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JUDITH K. FITZGERALD
BANKRUPTCY JUDGE

Honorable Judith K. Fitzgerald
Chief Judge
U.S. Bankruptcy Court, W.D.PA
5490 US Steel Tower
Pittsburgh, PA 15219

Re: ZAI Science Trial

01-1139-JLF

Dear Judge Fitzgerald:

Please accept this response to Mr. Restivo's February 3, 2005 letter requesting that the Court now rule on the ZAI cross-motions for summary judgment. At the January 21, 2005 hearing, the Court informed the parties that an expedited ruling on the ZAI motions was not contemplated, given the lack of progress by the other constituencies in moving toward resolution of this bankruptcy. In light of Grace's recent indictment that addresses *inter alia* Grace's alleged criminal activities in misleading the government about the danger of ZAI, the ZAI Claimants anticipate they may need to request further supplementation of the record depending on what the government's prosecution uncovers. In any event, nothing has transpired since January 21, 2005 that should change the Court's views on sequencing the issues for resolution in this bankruptcy.

Sincerely,

Edward J. Westbrook

EJW/kag

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